

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.23016 of 2016

1.Elangovan
2.Sambanda Murthy
3.Villvanathan,
S/o.Kathirvel Gounder
4.Amarvathi
5.Kirubanandam
6.Janarthanan
7.Pasupathi Gounder
8.Thukkaram
9.Nataraj Gounder
10.Chandrammal
11.D.Devagi
12.Venkatagiri
13.Murali
14.Thirunavukarasu
15.Vijaya
16.Arunkumar
17.Ganam
18.Vilvanathan,
S/o.Late Boosanammal .. Petitioners

1.The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Revenue Divisional Officer,
Land Acquisition Officer,
Revenue Divisional Office,
Tirupattur,
Vellore District-635 601.

.. Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the enhanced compensation as per the common order dated 29.8.2005 passed in LAOP Nos.166/2002, 170/2002, 151/2002, 153/2002, 154/2002, 155/2002, 157/2002, 158/2002, 159/2002, 160/2002, 161/2002, 163/2002, 164/2002, 165/2002, 167/2002, 168/2002, 169/2002 and 150/2002 by the Additional District and Sessions Judge, Fast Track Court, Tirupattur for Land Acquisition and based on the

petitioners' representation dated 27.5.2016.

For Petitioners : Mr.V.Srikanth
For Respondents : Mr.R.M.Muthukumar,
Government Advocate.

O R D E R

The petitioners are the owners of the properties which have been described in paragraph-3 of the affidavit reads as follows:-

"3. I submit that I am the owner of the land property situated at S.No.615/1D2, 618/3B, in Agramcheri Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.06.12 Hect. The 2nd petitioner is the owner of the land property situated at S.No.619/2A2 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.00.59 Hect. The 3rd petitioner is the owner of the land property situated at S.No.611/2B in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.00.07 Hect. The 4th petitioner is the owner of the land property situated at S.No.611/3B3B and 611/3B5B in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.22 Hect. The 5th petitioner is the owner of the land property situated at S.No.612/1A2, in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.0 Hect. The 6th petitioner is the owner of the land property situated at S.No.612/1A2, 612/1B2 and 612/1B2 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.25 Hect. The 7th petitioner is the owner of the land property situated at S.No.612/1D7B and 612/3 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.22 Hect. The 8th petitioner is the owner of the land property situated at S.No.612/3 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.05.5 Hect. The 9th petitioner is the owner of the land property situated at S.No.612/1D5B and 612/3 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.06.0 Hect. The 10th petitioner is the owner of the land property situated at S.No.612/1D4B and 612/1D6B, 612/3 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.83 Hect. The 11th petitioner is the owner of the land property situated at S.No.613/2A and 613/2B2, in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.09.4 Hect. The 12th petitioner is the owner of the land property

situated at S.No.618/3B in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.02.5 Hect. The 13th petitioner is the owner of the land property situated at S.No.618/3B, in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.02.5 Hect. The 14th petitioner is the owner of the land property situated at S.No.618/3B in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.02.5 Hect. The 15th petitioner is the owner of the land property situated at S.No.619/1A2 and 619/1B, in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.67 Hect. The 16th petitioner is the owner of the land property situated at S.No.614/1A2B and 619/2A2 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.01.64 Hect. The 17th petitioner is the owner of the land property situated at S.No.619/2A2 in Agramcheri Village, Vaniyambadi Taluk, Vellore District, and Admeasuring 0.00.59 Hect. The 18th petitioner is the owner of the land property situated at S.No.582/6E2, 582/6F3, 582/7C2, 583/3B and 585/4B in Agramcheri Village, Vaniyambadi Taluk, Vellore District, Admeasuring 0.07.5 Hect."

2. The following extent of properties have been acquired by the second respondent by virtue of proceedings dated 5.8.1999:-

S. No.	Name	Extent Acquired	Survey No.	Award amount along with statutory benefits, 30% solatium 12% Addl amount 9% interest for 1 year 15% interest from Date of possession up to 6.8.99 (Date of passing of award)	L.A.O. P No.	Enhanced Compensation along with statutory benefits, 30% Solatium 12% Addl amount 9% interest for 1 year 15% interest up to as on 13.7.2016
1.	Elangovan	0.06.12 Hect	615/1D2, 618/3B	Rs. 6208.00	166/02	Rs.539951.00
2.	Sambandamurthy	0.00.59 Hect	619/2A2	Rs. 1105.00	170/02	Rs. 96031.00
3.	Vilvanathan	0.00.07 Hect	611/2B	Rs. 120 .00	151/02	Rs. 10375 .00
4.	Amaravathi	0.01.22 Hect	611/3B3B & 611/3B5B	Rs. 2089.00	153/02	Rs.181690.00
5.	K. Govindam	0.03.0 Hect	612/1A2	Rs. 856.00	154/02	Rs. 74447.00

6.	Janarthanan	0.01.75 Hect	612/1A2, 612/1B2 & 612/1B2	Rs. 2141.00	155/02	Rs. 186258.00
7.	Pasupathi Gounder	0.01.22 Hect	612/1D7B & 612/3	Rs. 4852.00	157/02	Rs. 422054.00
8.	Thukkaram	0.05.5 Hect	612/3	Rs. 1570.00	158/02	Rs. 136580.00
9.	Natraj Gounder	0.06.0 Hect	612/1D5B	Rs. 2840.00	159/02	Rs. 228849.00
10.	Chandramal	0.01.83 Hect	612/1D4B & 612/1D6B, 612/3	Rs. 5229.00	160/02	Rs. 454850.00
11.	Devaki	0.09.4 Hect	613/2A & 613/2B2	Rs.16580.00	161/02	Rs. 1413186.00
12.	Venkatagiri	0.02.5 Hect	618/3B	Rs. 1070.00	163/02	Rs. 93130.00
13.	Murali	0.02.5 Hect	618/3B	Rs. 1070.00	164/02	Rs. 93130.00
14.	Thirunavukarasu	0.02.5 Hect	618/3B	Rs. 1070.00	165/02	Rs. 93130.00
15.	Vijaya	0.01.067 Hect	619/1A2 & 619/1B	Rs. 2860.00	167/02	Rs. 263592.00
16.	Arun Kumar	0.01.64 Hect	614/1A2B & 619/2A2	Rs. 2821.00	168/02	Rs. 245343.00
17.	Ganam	0.00.59 Hect	619/2A2	Rs. 253.00	169/02	Rs. 22002.00
18.	Vilvanathan	0.07.5 Hect	582/6E2, 582/6F3, 582/7C2, 583/3B & 585/4B	Rs.12844.00	150/02	Rs. 1117125.00

3. The second respondent passed Awards fixing the compensation of Rs.63,763/- per hectare. Aggrieved over that, the petitioners have preferred LAOPs before the Referral Court in LAOP Nos. 166/2002, 170/2002, 151/2002, 153/2002, 154/2002, 155/2002, 157/2002, 158/2002, 159/2002, 160/2002, 161/2002, 163/2002, 164/2002, 165/2002, 167/2002, 168/2002, 169/2002 and 150/2002 on the file of the learned Additional District and Sessions Judge, Fast Track Court, Tirupattur.

4. By a judgment and decree dated 29.8.2005, the Fast Track Court, Tirupattur fixed the compensation amount at Rs.11.20 per sq. ft. and enhanced the value of the superstructures at Rs.750/- per tree against the judgment and decree of the Referral Court. No further appeal has been preferred by the Government and it has attained its finality.

5. The petitioners, waiting for a longtime, jointly gave a representation on 27.5.2016 seeking payment of compensation fixed by the Fast Track Court on 29.8.2005. Though the said representation was received by the respondents on 2.6.2016, so far no amount has been paid and hence the petitioners have approached this Court by way of filing these writ petitions.

6. Heard Mr.V.Srikanth, learned counsel appearing for the petitioners and Mr.R.M.Muthukumar, learned Government Advocate appearing for the respondents.

7. There is no dispute with regard to the acquisition of properties by the respondents for the purpose of laying road. Similarly, the finality attained with regard to the quantum of compensation is on 29.8.2005. From 2005 onwards till date, no amount has been paid by the respondents. The petitioners have lost their respective properties and also unable to enjoy the fruits of the judgment passed by the Referral Court. They waited sufficiently for 11 years and any further wait will only render injustice to them. Therefore, this Court has got no hesitation than to direct the respondents to pay the amounts as per the judgment and decree passed in LAOP Nos.166/2002, 170/2002, 151/2002, 153/2002, 154/2002, 155/2002, 157/2002, 158/2002, 159/2002, 160/2002, 161/2002, 163/2002, 164/2002, 165/2002, 167/2002, 168/2002, 169/2002 and 150/2002 by the learned Additional District and Sessions Judge, Fast Track Court, Tirupattur along with interest. The details have been given in the representation dated 27.5.2016.

8. Mr.R.M.Muthukumar, learned Government Advocate for respondents, on the instructions of Mrs.Jeyanthi, Additional Divisional Engineer, Highways, would submit that the Government requires three months time for making payment, taking into consideration the various processes required to be undergone, time is granted for making the payment of compensation to the respective petitioners on or before 13.10.2016. Call the matter on 17.10.2016 either for production of Demand Draft or Banker's cheque, failing which the respondents shall appear before this Court on that date.

9. The writ petition is ordered in the above terms. No costs.

सत्यमेव जयते 13.07.2016

For Reporting Compliance

WP.Nos.23016 of 2016: These cases having been posted on Monday, the Seventeenth Day of October 2016, under the Caption "For reporting Compliance" and pursuant to the orders of this Court dated 13/07/2016 and made herein and in the presence of the aforesaid Advocate the Court made the following order:

This court, by orders dated 13.7.2016, directed the respondents to pay the compensation, on or before 13.10.2016, to the petitioners.

When the matters are called today "For Reporting Compliance".

<https://hcservices.ecourts.gov.in/hcservices/>

Mr.V.Ayyathurai, learned Additional Advocate General seeks eight more weeks to make the payment, stating certain reasons.

The endeavour of this court is only to see that the compensation amount is paid to the petitioners.

In that view of the matter, time is extended till 18.12.2016 for complying with the orders dated 13.7.2016.

Call the matters on 19.12.2016 for reporting compliance, failing which the first respondent shall appear before this court on that day.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

Svn.

To

1.The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Revenue Divisional Officer,
Land Acquisition Officer,
Revenue Divisional Office,
Tirupattur,
Vellore District-635 601.

WP No.23016 of 2016

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